

REMARKS

Claims 1-65 are presented in the application, with claims 1, 2, and 8 being independent claims. Claims 10-15, 27-32, 41-46, and 54-59 have been withdrawn from consideration pursuant to a restriction requirement. Claims 60-65 are newly added to provide Applicants with additional coverage. Applicants submit that each of newly added claims 60-65 depend from one of the claims of elected Group I, and, thus, need not be withdrawn. As such, claims 1-9, 16-26, 33-40, 47-53, and 60-65 are presented for consideration.

In the Office Action dated January 6, 2004, the Examiner sets forth an election of species requirement asserting that the subject application contains claims directed to four patentably distinct species of the invention. In particular, the Examiner alleges that the first species is depicted in Figs. 2A and 2B, the second species is depicted in Figs. 4A-4D, the third species is depicted in Figs. 5A-5D, and the fourth species is depicted in Figs. 6A-6D. Applicants respectfully traverse this election of species requirement.

Initially, Applicants point out that the embodiment described with relation to Figs. 2A and 2B is also depicted in Figs. 3A-3D. As such, Applicants assert that the first species includes Figs. 3A-3D in addition to Figs. 2A and 2B.

In addition, Applicants submit that Figs. 4A-4D, 5A-5D, and 6A-6D are closely related variations of the embodiment depicted in Figs. 2A, 2B, and 3A-3D. In particular, the disclosure relating to Figs. 2A, 2B, and 3A-3D discusses, along with a single

distinct embodiment of the invention, many features found in all of the alleged species. As currently pending, each of independent claims 1, 16, 33, and 40 recites only those features that are common to all four of the alleged species. Similarly, many of the dependent claims are also generic of each of the four species, because they recite features discussed with respect to all of the species, or because they recite features that, while perhaps discussed only with regard to Figs. 2A, 2B, and 3A-3D, are necessarily common to all four of the alleged species.

Applicants further submit that because the various embodiments are so closely related, separate fields of search will not be required. Accordingly, neither Applicants nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicants submit that the public-at-large should not be required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

Still further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.


While, for the foregoing reasons, Applicants submit that an election of species requirement should not be required at this time, in order to comply with the

requirements of 37 CFR 1.146, and MPEP § 809.02(a), Applicants provisionally elect, with traverse, to prosecute the invention of Species I. Applicant submits that claims 1-4, 6-9, 16-19, 23-26, 33-35, 37-40, 47, 48, and 50-53 read on the elected species. Of these claims, all are deemed to be generic.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



Attorney for Applicants
Steven E. Warner
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SEW/MJD:ksp:ayr

DC_MAIN 156984v1